



Local Hazardous Waste Management Program in King County

King County
Solid Waste
Division

King County
Water and Land
Resources Division

Suburban Cities
Association

Seattle Public
Utilities

Public Health -
Seattle & King
County

Participating
Cities:

Algona

Auburn

Beaux Arts
Village

Bellevue

Black
Diamond

Bothell

Burien

Carnation

Clyde Hill

Covington

Des Moines

Duvall

Enumclaw

Federal Way

Hunts Point

Issaquah

Kenmore

Kent

Kirkland

Lake Forest
Park

Maple Valley

Medina

Mercer

Island

Newcastle

Normandy
Park

North Bend

Pacific

Redmond

Renton

Sammamish

Sea Tac

Seattle

Shoreline

Skykomish

Snoqualmie

Tukwila

Woodinville

Yarrow Point

Mike Gallagher, PBT Coordinator
Dept. of Ecology
PO Box 47600
Olympia, WA 98504
e-mail: mgal461@ecy.wa.gov
fax: (360)407-6884

July 29, 2005

Dear Mike,

Thank you for this opportunity to comment on the State's draft regulations for Persistent Bioaccumulative Toxins, Chapter 173-333 WAC. The Local Hazardous Waste Management Program is strongly supportive of Ecology's strategy to identify Persistent Bioaccumulative Toxins (PBTs) and to set up a process for developing Chemical Action Plans to address priority PBT chemicals. These identified PBTs help us set program priorities at the local level for working with small businesses and households. Ecology has done a good job of meeting legislative requirements while balancing local government, citizen and business concerns in this proposal.

Attached are some additional comments about the rule. Questions regarding the details contained in the attached comments should be referred to Alice Chapman, who can be reached at 206-263-3058.

Please feel free to call me if you have any other questions.

Sincerely,

Dave Galvin

The Local Hazardous Waste Management Program in King County
150 Nickerson Street, Suite 100
Seattle, WA 98109
206-263-3085

Specific Comments

Chapter 173-333 WAC, Persistent Bioaccumulative Toxins

Comment 1, WAC 173-333-120, Applicability

Change paragraph (1) as follows:

This chapter applies to the Departments of Ecology (Ecology) and Health.

Several Washington State government departments (Agriculture, Labor & Industries, and Health) have been partners in the PBT rule development process and chemical action plan development, such as the plan for polybrominated diphenyl ethers (PBDEs). The Department of Health has consultative, data collection and outreach responsibilities identified in the proposed rule sections listed below. At a minimum, Department of Health should be included with Ecology to implement the rule. The other departments (Agriculture and Labor & Industries) could also be added as their historical role could be expected to continue into the future.

WAC 173-333-110 (6) Define the processes ecology will use to coordinate the implementation of this chapter with the department of health and other state agencies.

WAC 173-333-300(2)(c) **Biomonitoring.** To encourage and inform the department of health regarding their efforts to monitor chemicals in human tissue.

WAC 173-333-410(3) **Decision-making process.** Ecology will consult with the department of health plan preparation.

430(2) ...Ecology will consult with the department of health regarding all portions of the CAP related to human health exposures.

430 (4) ...The department of health will be asked to review any information related to human health.

430 (8)...Ecology will consult with the department of health on public information materials addressing food safety issues.

Comment 2, WAC 173-333-130

Delete this section. Any pesticide or fertilizer should be subject to the same scrutiny as other chemicals for consideration by Ecology as PBTs. PBT screening of pesticides and fertilizers is critical to Ecology's mission, given the potential of widespread pesticide use directly into the environment and in food crops. For example, lindane meets PBT criteria and is commonly used on seeds and in products for treatment of lice or scabies in humans.

Comment 3, WAC 173-333-140

The Local Hazardous Waste Management Program in King County fully supports the concept expressed in this proposed rule "...that lack of full scientific consensus should not be used as a justification for delaying reasonable measures to prevent harm to human health or the environment."

Comment 4, WAC 173-333-310(2)

Thanks for including lead, cadmium, PFOS and short-chain chlorinated paraffins on the PBT list. The whole list is a good start for this program. However, the extensively footnoted table format is difficult to read and understand. Please consider a new presentation format for the list and the detailed and important technical material that accompanies it.

Comment 5, WAC 173-333-340

As Ecology reviews chemicals proposed for the PBT list, it would be helpful to create a list of those that did *not* meet the criteria at the time of review. This list would not need to be included in the rule itself, but could be a publication updated annually or every couple of years. It could ensure that knowledge gained from past reviews is readily accessible and not repeated needlessly.